

**Clearwater Underground Water Conservation District Meeting**  
**700 Kennedy Court**  
**Belton, TX**  
**Wednesday, January 12, 2022**  
**Minutes**

The Clearwater Underground Water Conservation District (CUWCD) held a Board meeting on Wednesday, January 12, 2022, at 1:30 p.m. at the Clearwater UWCD Building, located at 700 Kennedy Court, Belton, Texas.

**Board Members Present:**

Leland Gersbach, President, Pct 1  
David Cole, Vice President, At Large  
Gary Young, Secretary, Pct 2  
Jody Williams, Director, Pct 3

**Absent:**

Scott Brooks, Pct 4

**Staff:**

Dirk Aaron, General Manager  
Shelly Chapman, Admin Manager

**Guest:**

Bill Schumann – Bell County  
Emma Canales – 4H Water Ambassador  
Jane Gauntt – 4H Water Ambassador  
John Gauntt – 4H Water Ambassador

David Smith  
Mike Keester – RWH  
Whitney Ingram – AgriLife  
Stephanie Wong - LRE

Sarah Wood – 4H Water Ambassador  
Kenton Moffett – City of Temple  
Cole Ruiz – Lloyd Gosselink

**Workshop convened with President, Leland Gersbach, at 1:30 p.m.**

**Workshop Item #1: Receive annual report from Texas 4-H Water Ambassador Program.**

Received presentation from David Smith and 4 of the Water Ambassador. They discussed events of the past year and David Smith laid out the plans moving forward.

**Workshop Item #2: Receive updates related to the Bell County Water Symposium.**

Whitney Ingram discussed the results of the survey related to the Water Symposium and mentioned ideas for next year. Shelly Chapman presented the financial report for the event.

**Workshop Item #3: Receive information related to the Bell/Coryell Karst Coalition RHCP.**

Dirk gave an update on the RHCP and the firm selected to do the work.

**Workshop Item #4: Receive information related to the 5 Year Strategic Plan**

Dirk presented information related to the 5-year strategic plan and the process moving forward.

**Workshop Item #5: Receive information related to TAGD GCD Boot Camp Feb 8, 2022.**

Dirk noted that the next TAGD meeting is Feb 8-9. Along with the meeting, TAGD is offering a Boot Camp training session. Dirk encouraged the Board members to attend. He told them to let Shelly know and she would get them signed up. Gary Young indicated he was interested in attending

**Workshop Item #6: Receive information related to Groundwater Management Area 8, per the Joint Planning and Development of the Round 3 Desired Future Conditions.**

Dirk indicated there was nothing new to report at this time.

**Workshop closed and Board meeting convened with President, Leland Gersbach, at 3:07 p.m.**

**1. Invocation and Pledge of Allegiance.**

Vice President, David Cole, gave the invocation.  
Secretary, Gary Young, led the Pledge of Allegiance.

**2. Public Comment.**

None.

**3. Approve minutes of the December 8, 2021, Board meeting.**

Board members received the minutes of the December 8, 2021, Board meeting and workshop in their Board packet to review prior to the meeting.

Secretary, Gary Young, moved to approve the minutes of the December 8, 2021, Board meeting and Workshop. Vice President, David Cole, seconded the motion.

**Motion carried 4-0 (1 absent).**

4. ***Discuss, consider, and take appropriate action if necessary, to accept the monthly financial report for December 8, 2021 (FY22) as presented.***

Board members received the monthly financial report for December 2021 in their Board packet to review prior to the meeting.

Vice President, David Cole, moved to accept the monthly financial report for December 2021 as presented. Director, Jody Williams, seconded the motion.

**Motion carried 4-0 (1 absent).**

5. ***Discuss, consider, and take appropriate action if necessary, to accept the monthly Investment Fund Account report for December 2021 (FY22) as presented.***

Board members received the monthly investment fund account report for December 2021 in their Board packet to review prior to the meeting.

Vice President, David Cole, moved to accept the monthly investment fund account report for December 2021 as presented. Secretary, Gary Young, seconded the motion.

**Motion carried 4-0 (1 absent).**

6. ***Discuss, consider, and take appropriate action if necessary, to accept the Quarterly Deferred Compensation Employee Retirement Program account report as presented.***

Board members received the Quarterly Report in their Board packet to review prior to the meeting.

Director, Jody Williams, moved to accept the Quarterly Report as presented. Secretary, Gary Young, seconded the motion.

**Motion carried 4-0 (1 absent).**

7. ***Discuss, consider, and take appropriate action if necessary, to approve the FY22 line-item budget amendments as requested.***

There were none.

8. ***Discuss, consider, and take appropriate action if necessary, to extend the professional services agreement with Mike Keester, Principal Hydrogeologist, RW Harden & Associates.***

Dirk Aaron explained that Mike Keester recently left LRE and is now a principal partner with RW Harden & Associates. Mike submitted a letter expressing his desire to continue his role as one of the District's geoscience consultants. He also agrees that the District's relationship with LRE as data management systems provider should continue. Mike submitted information about RW Harden. That information was provided to the Board members in their packet to review.

Dirk recommended the Board allow him to sign a contract for services with RW Harden & Associates for geoscience consulting by Mike Keester.

Vice President, David Cole, moved to allow the General Manager to sign a contract for services with RW Harden & Associates and Mike Keester. Director, Jody Williams, seconded the motion.

**Motion carried 4-0 (1 absent).**

9. ***Discuss, consider, and take appropriate action if necessary, to approve the sponsorship level of the Texas 4-H Water Ambassador program.***

Dirk noted that the District has been sponsoring at the "Legacy" level of \$2,500. This amount is in the budget. He recommended that the Board continue at that level. Jody Williams recommended keeping the Legacy sponsorship and also helping with the registration fees for Bell County kids accepted to the program.

Director, Jody Williams, moved to continue sponsoring the program at the \$2,500 level and to also reimburse AgriLife for the registration fees for the Bell County kids accepted to the program. Vice President, David Cole, seconded the motion.

**Motion carried 4-0 (1 absent).**

**10. Discuss, consider, and take appropriate action if necessary, to approve the CUWCD/Bell County ILA related to rural plats and groundwater availability studies.**

Dirk presented a copy of the ILA and a flow chart for the Board to see. He explained the steps taken to process an application and scenarios that the District encounters when processing the applications.

The ILA is to formalize the relationship with Bell County. Informally, the District has already been doing all aspects of the ILA.

Cole Ruiz (legal counsel) has reviewed the ILA and agrees with the agreement. He explained the legal aspects of the agreement and guidelines.

The Commissioner's Court has looked at this agreement and agrees. The County Judge will sign off on it once Clearwater approves the ILA.

Secretary, Gary Young, moved to approve the ILA between CUWCD and Bell County related to rural plats and groundwater availability studies. Director, Jody Williams, seconded the motion.

**Motion carried 4-0 (1 absent).**

**11. Discuss, consider, and take appropriate action if necessary, to authorize the General Manager to work with the Texas A&M School of Law Environmental and Natural Resources Systems Law Clinic.**

Dirk explained that the District has an opportunity to work with Texas A&M School of Law Environmental and Natural Resources Systems Clinic. Sara Thornton, a principal with Lloyd Gosselink, is an adjunct professor there and is coordinating a pro-bono project for her students to work on with the District. Dirk explained the project at hand and noted that this would be at no charge for the District. The students will be working under the guidance of Sara to assist in the participation and development of an HCP for Bell/Coryell counties evaluating matters the District identifies for the clinic to research and address.

Secretary, Gary Young, moved to authorize General Manager to work with Sara Thornton and Texas A&M School of Law Environmental and Natural Resources Systems Clinic. Director, Jody Williams, seconded the motion.

**Motion carried 4-0 (1 absent).**

**12. Discuss, consider, and take appropriate action if necessary, to review and adopt the District investment policy resolution for the calendar year 2022.**

Dirk presented the District investment policy to be reviewed and readopted for 2022.

Vice President, David Cole, moved to readopt the District investment policy for resolution for calendar year 2022. Secretary, Gary Young, seconded the motion.

**Motion carried 4-0 (1 absent).**

**13. Discuss, consider, and take appropriate action if necessary, to set the District calendar dates for 2022.**

Staff looked at the calendar to set dates for 2022 board meetings. The proposed dates include regular board meetings, tentative dates in August to approve FY23 budget/tax rate, and tentative date for Bell County water Symposium. Staff also looked at holiday dates for 2023.

Suggested calendar dates are as follows:

Board Meeting	Wednesday	1/12/2022	TAGD Water Summit	Tues-Thur	8/30/22-9/1/22
Board Meeting	Wednesday	2/16/2022	Water Symposium	Wednesday	11/16/2022
Board Meeting	Wednesday	3/9/2022			
Board Meeting	Wednesday	4/13/2022	New Year's Day	Monday	1/3/2022
Board Meeting	Wednesday	5/11/2022	Memorial Day	Monday	5/30/2022
Board Meeting	Wednesday	6/8/2022	Independence Day	Monday	7/4/2022
Board Meeting	Wednesday	7/13/2022	Labor Day	Monday	9/5/2022
Board Meeting	Wednesday	8/10/2022	Thanksgiving Day	Thursday	11/24/2022
Board Meeting	Wednesday	8/24/2022	Thanksgiving	Friday	11/25/2022
Board Meeting	Wednesday	9/14/2022	Christmas Holiday	Friday	12/23/2022
Board Meeting	Wednesday	10/12/2022	Christmas Holiday	Monday	12/26/2022
Board Meeting	Wednesday	11/9/2022			
Board Meeting	Wednesday	12/14/2022			

Director, Jody Williams, moved to accept the 2022 calendar and holiday dates as presented. Secretary, Gary Young, seconded the motion.

**Motion carried 4-0 (1 absent).**

**14. Discuss, consider, and take appropriate action if necessary, to approve the employment contract with District General Manager.**

Leland suggested the Board move to Executive session with legal counsel to discuss personnel and other staffing related matters. The Board agreed.

**Board convened to Executive session with President, Leland Gersbach, at 4:02 p.m.**

**Executive session closed and regular Board meeting reconvened with President, Leland Gersbach, at 5:02 p.m.**

Vice President, David Cole, moved to table this item until the next meeting. Director, Jody Williams, seconded the motion.

**Motion carried 4-0 (1 absent).**

**15. Discuss, consider, and take appropriate action if necessary, to elect officers to the Board for the calendar year 2022 per District Bylaws, Article VI (Sec. 1 & 2).**

Secretary, Gary Young, moved to keep the Board officers as they currently are. Vice President, David Cole, seconded the motion.

**Motion carried 4-0 (1 absent).**

**16. Continue Public Hearing on the following application:**

***a) Discuss, consider, and take appropriate action if necessary, on a proposed operating permit for 2 existing wells for Whitley 20 Stillman Valley, LLC. Well #1 (N2-20-008P) authorizing an operating permit to serve 8 homes not to exceed 2.6 ac-feet/yr. or 855,414 gallons per year and Well #2 (N2-20-009P) authorizing an operating permit to serve 7 homes not to exceed 2.3 ac-ft/yr. or 748,487 gallons per year. Wells are completed in the Hosston Layer of the Trinity Aquifer and equipped with a submersible pump rate not to exceed 17-gpm on a 43.435-acre tract located on the corner of Stillman Valley Road and Firefly Road, Florence Texas.***

Leland Gersbach called to order the public hearing at 5:04 p.m. He gave a brief description of the application.

He noted that this hearing is a continuation of the hearing on the applications, which were initially heard on December 8, 2021. There, the Board offered an opportunity to provide public comment on the application as non-party, members of the public. No comments were received by the Board.

At the December 8, 2021, hearing on the application, the Board as required by statute and by its rules, considered all requests for a contested case hearing, and in fact granted such a request to Mr. Eric Gulbranson and Ms.

Anna Thornton, after determining that the hearing request met the requirements of Rules 6.10.9 and 6.10.12 of the District's rules; that Mr. Gulbranson and Ms. Thornton qualify as affected persons,—each having a personal justiciable interest; and that it was appropriate to deem the hearing a contested case hearing. Mr. Gulbranson and Ms. Thornton's request for a contested case hearing was the only such request received by the Board, and therefore Mr. Gulbranson and Ms. Thornton are the only protestants to the application that have party status at this hearing.

Leland also noted that Dirk Aaron - the District's General Manager; Whitley 20 Stillman Valley LLC, represented by Russell Spillers - the Applicant, and Mr. Gulbranson and Ms. Thornton - the protestants, are the only parties to this contested case hearing.

On December 8, 2021, the Board heard testimony from Russell Spillers; our General Manger, Dirk Aaron; consulting hydrogeologist, Mike Keester, and from the protestants, Mr. Gulbranson and Ms. Thornton. Upon the request of the Board, the parties agreed to continue the hearing until February 16th in order to hear further testimony from the applicant's consultant concerning groundwater availability at the applicant's wells.

Leland explained that the Parties have agreed to request an additional continuance of this hearing until February 16, 2022, in order to allow additional time to conduct a second 24 hr. aquifer test.

Dirk explained the purpose of the continuation and that Russell Spiller has agreed to the continuance for the purpose of an additional pump test.

Leland commented that all parties agreed to continue the hearing, as presiding officer, he granted the request for a continuance. The hearing will reconvene on February 16, 2022, at 1:30 p.m.

**17. *General Manager's report concerning office management and staffing related to District Management Plan.***

- Staff is in the process of preparing the annual report.
- Permits are being renewed.
- LRE is continuing to work and the DMS.

**18. *Review monthly report and possible consideration and Board action on the following:***

- a) Drought Status Reports*
- b) Education Outreach Update*
- c) Monitoring Wells*
- d) Rainfall Reports*
- e) Well Registration Update*
- f) Aquifer Status Report & Non-exempt Monthly Well Production Reports*

(Copiers of the Monthly Staff Reports were given to the Board Members to review. No action required. Information items only.)

**19. *Director's comments and reports.***

- **Leland Gersbach:** None
- **Jody Williams:** None
- **Gary Young:** He appreciates all the work Dirk does.
- **Scott Brooks:** Absent
- **David Cole:** Agreed with Gary. Dirk and his staff are an asset to the District.

**20. *Discuss agenda items for the next meeting.***

- Audit presentation
- Permit hearing continuation
- GM contract
- Presentations by consultants

**21. *Set time and place of next meeting.***

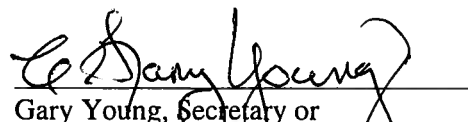
Wednesday, February 16, 2022, at 1:30 p.m. CUWCD office

**22. *Adjourn.***

**Board Meeting closed with President, Leland Gersbach, at 5:23 p.m.**

  
Leland Gersbach, President

**ATTEST:**

  
Gary Young, Secretary or  
Dirk Aaron, Assistant Secretary